

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR SPECIAL COUNCIL MEETING
OF
TUESDAY, JANUARY 8, 1991
AT 7:00 P.M.
Assembly Hall - St. Gregory the Great Church
10650 Treena Street, San Diego, California

NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL

To Council Members Wolfsheimer, Roberts, Hartley, Pratt, Bernhardt, Henderson, McCarty, and Filner, members of the City Council of the City of San Diego, California:

A SPECIAL MEETING of the City Council is hereby called to be held in the Assembly Hall - St. Gregory the Great Church, 10650 Treena Street, San Diego, California, on Tuesday, January 8, 1991 at the hour of 7:00 p.m. Said meeting has been called for the transaction of the Miramar Ranch North development.

Dated January 4, 1991

MAUREEN O'CONNOR, MAYOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 7:00 p.m. Mayor O'Connor adjourned the meeting at 10:55 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-excused by R-277297 (out-of-town business)
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Clerk-Fishkin (so)

FILE LOCATION: MINUTES

ITEM-600: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

FILE LOCATION: MINUTES

ITEM-701:

Six actions relative to Scripps Ranch North Unit No. 1,
a 38-lot subdivision located northeasterly of I-15 and
Scripps North Parkway:

(Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1011) ADOPTED AS RESOLUTION R-277079

Authorizing the execution of a Subdivision Improvement
Agreement with McMillin-BCED/Miramar Ranch North for
the installation and completion of public improvements.

Subitem-B: (R-91-1010) ADOPTED AS RESOLUTION R-277080

Approving the final map.

Subitem-C: (R-91-1012) ADOPTED AS RESOLUTION R-277081

Approving the acceptance of the grant deed of
McMillin-BCED/Miramar Ranch North, granting to the City
Lot 28 of Scripps Ranch North Unit No. 1 for open space
purposes.

Subitem-D: (R-91-1013) ADOPTED AS RESOLUTION R-277082

Approving the acceptance of a street easement deed of Robert T. Curry and Raedene Curry in a portion of the north half of the south half of Section 21, Township 14 South, Range 2 West, SBM; dedicating said land as and for a public street and naming the same Wexford Street.

Subitem-E: (R-91-1014) ADOPTED AS RESOLUTION R-277083

Authorizing the City Manager to enter into a bonded six-year agreement with McMillin-BCED/Miramar Ranch North, for a traffic signal at the intersection of Scripps Ranch Boulevard and Spring Canyon Road.

Subitem-F: (R-91-1015) ADOPTED AS RESOLUTION R-277084

Authorizing the City Manager to enter into an agreement with McMillin-BCED/Miramar Ranch North, for improvements to the Mercy Road/I-15 interchange.

CITY MANAGER SUPPORTING INFORMATION:

In addition to the standard Subdivision Improvement Agreement, McMillin-BCED/Miramar Ranch North is entering into two additional agreements. The first agreement provides for the first phase of two phases of improvements to the Mercy Road/I-15 interchange as required in Phase I of the Miramar Ranch Community Plan. McMillin-BCED/Miramar Ranch North, the City of San Diego and CalTrans are currently undertaking the development of a Project Report for the improvements. The report will further define the improvements to the interchange and the stages, as well as provide a schedule, for the improvements. A surety is being held in escrow to assure the work. The second agreement is to defer the installation of a traffic signal system at Spring Canyon Road and Scripps Ranch Boulevard. This installation is a requirement of Subdivision Board Resolution No. 5398, Condition No. 5. The agreement provides for the deferral of said traffic signal for a period of either six years after the recordation of the first map in Scripps Ranch North Phase I to record, or within 12 months after the City Engineer requests the completion of the public improvements, whichever occurs first. The signal will be in operation at the time the intersection is opened to traffic.

A bond in the amount of \$64,932 is being held in escrow to be released upon map recordation in order to assure the work.

FILE LOCATION: Subitems-A,B,E,&F: SUBD - Scripps Ranch
North Unit No. 1; Subitem-C: DEED F-5485;
Subitem-D: DEED F-5486 Deed FY91-2, CONT
FY 91-3

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.
2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.
3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.
4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:
 - a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);
 - b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;
 - c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND
 - d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?
5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.
6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.
7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-702:

Four actions relative to the final subdivision map of
Scripps Ranch North Unit No. 2, an 11-lot subdivision
located southeasterly of I-15 and Scripps North
Parkway:

(Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1017) ADOPTED AS RESOLUTION R-277085

Authorizing the execution of a Subdivision Improvement
Agreement with McMillin-BCED/Miramar Ranch North for
the installation and completion of public improvements.

Subitem-B: (R-91-1016) ADOPTED AS RESOLUTION R-277086

Approving the final map.

Subitem-C: (R-91-1018) ADOPTED AS RESOLUTION R-277087

Approving the acceptance of a grant deed of
McMillin-BCED/Miramar Ranch North, granting to the City
Lot 7 of Scripps Ranch North Unit No. 2 for open space
purposes.

Subitem-D: (R-91-1019) ADOPTED AS RESOLUTION R-277088

Authorizing the City Manager to enter into a Water
Facilities Improvement Agreement with
McMillin-BCED/Miramar Ranch North.

CITY MANAGER SUPPORTING INFORMATION: In addition to the
standard Subdivision Improvement Agreement, McMillin-BCED/Miramar
Ranch North, a California general partnership, is entering into
another agreement. This agreement relates to Condition No. 11 of
Tentative Map Resolution TM-87-1087 and Condition 10 of Tentative
Map Resolution TM-87-1088. This agreement provides for the
construction of interim water facilities as identified in the
water study required in the Tentative Map Resolutions. This
interim system, which includes 2 parallel water mains, a water
reservoir and pump, will allow for the recordation of Scripps
Ranch North Phase I Units 1 through 6 maps and for the
construction and occupancy of 2100 equivalent dwelling units. A

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bond in the amount of \$2,537,648 is being held in escrow to assure the construction of the water system.

FILE LOCATION: Subitems-A,B,&D: SUBD - Scripps Ranch North
Unit No. 2; Subitem-C: DEED F-5487
Deed FY91-1; CONT FY91-2

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.
2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.
3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.
4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:
 - a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);
 - b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;
 - c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND
 - d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?

5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.
6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.
7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-703:

Seven actions relative to the final subdivision map of Scripps Ranch North Unit No. 3, a 108-lot subdivision located southeasterly of Scripps North Parkway and Spring Canyon Road:

(Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1021) ADOPTED AS RESOLUTION R-277089

Authorizing the execution of a Subdivision Improvement Agreement with McMillin-BCED/Miramar Ranch North for the installation and completion of public improvements.

Subitem-B: (R-91-1020) ADOPTED AS RESOLUTION R-277090

Approving the final map.

Subitem-C: (R-91-1022) ADOPTED AS RESOLUTION R-277091

Approving the acceptance of the grant deed of McMillin-BCED/Miramar Ranch North, granting to the City Lot 104 of Scripps Ranch North Unit No. 3 for open space purposes.

Subitem-D: (R-91-1023) ADOPTED AS RESOLUTION R-277092

Approving the acceptance by the City Manager of a grant deed of McMillin-BCED/Miramar Ranch North, granting to the City an easement for public street purposes in those portions of the Southeast Quarter of Section 20 and the South Half of the South Half of Section 21, and the Northwest Quarter of Section 27, all in Township 14

South, Range 2 West, San Bernardino Meridian, together with a portion of Parcel 1 of Parcel Map PM-14987; dedicating the land as and for a public street and naming the same Scripps North Parkway.

Subitem-E: (R-91-1024) ADOPTED AS RESOLUTION R-277093

Approving the acceptance of a street easement deed of McMillin-BCED/Miramar Ranch North in portions of Parcel 1 of Parcel Map PM-11571 and Parcels 1 and 2 of Parcel Map PM-14987 and a portion of the south ½ of Section 21, Township 14 South, Range 2 West, SBM; dedicating the land as and for a public street and naming the same Spring Canyon Road.

Subitem-F: (R-91-1025) ADOPTED AS RESOLUTION R-277094

Authorizing the execution of an agreement with McMillin-BCED/Miramar Ranch North for acquisition of Scripps North Parkway from Mercy Interchange to the west boundary of the subdivider's property.

Subitem-G: (R-91-1026) ADOPTED AS RESOLUTION R-277095

Authorizing the execution of a Park Dedication and Improvement Agreement with McMillin-BCED/Miramar Ranch North.

CITY MANAGER SUPPORTING INFORMATION: In addition to the standard Subdivision Improvement Agreement, McMillin-BCED/Miramar Ranch North is entering into two other agreements.

The first is a Subdivision Offsite Right-of-Way Acquisition Agreement. In accordance with Condition 5 of both Subdivision Board Resolution 5397 and Subdivision Board Resolution 5398, subdivider is required to improve the right-of-way in accordance with the Community and Public Facilities Financing Plan, which requires the construction of Scripps North Parkway from the Mercy Interchange to the east boundary of subdivider's property, including drainage, slope and landscape easements. The subdivider has been unable to acquire this land and is entering into an agreement whereby the City will acquire by negotiation, or condemnation, if necessary, the required right-of-way. The subdivider agrees, upon demand, to deposit sufficient funds to pay for an appraisal of the required right-of-way. Should condemnation be required, the subdivider agrees to deposit additional funds equal to twice the appraised value plus projected closing costs. The second agreement satisfies Condition No. 13 of Subdivision Board Resolution No. 5397 requiring the developer to enter into an agreement for the acquisition, design and development of all "pocket parks" as

shown on Tentative Map TM-87-1087, and that an Open Space Maintenance District or Assessment District be established prior to the filing of a final map. This agreement also satisfies Condition No. 16 of Subdivision Board Resolution No. 5398 requiring the developer to enter into an agreement to establish the procedure for the design, construction and acquisition of the West Park within 2 years. Conveyance of the completed park, including land, shall be at no cost to the City.

FILE LOCATION: Subitems-A,B,F&G: SUBD - Scripps Ranch North
Unit No. 3; Subitem-C: DEED F-5488;
Subitem-D: DEED F-5489; Subitem-E: DEED
F-5490 CONT FY91-3; Deed FY91-3

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.

2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.

3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.

4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:

a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);

b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;

c. DOES PHASE III COMPLY WITH THE OPEN SPACE
COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER
AGREEMENT; AND

d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS
DESCRIBED IN THE SEPTEMBER AGREEMENTS?

5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT
D(LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED
LINE.

6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE
HEARD WITH PHASE III.

7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING
CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-704:

Three actions relative to the final subdivision map of
Scripps Ranch North Unit No. 4, a 123-lot subdivision
located southwesterly of Scripps North Parkway and
Spring Canyon Road:

(Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1028) ADOPTED AS RESOLUTION R-277096

Authorizing the execution of a Subdivision Improvement
Agreement with McMillin-BCED/Miramar Ranch North for
the installation and completion of public improvements.

Subitem-B: (R-91-1027) ADOPTED AS RESOLUTION R-277097

Approving the final map.

Subitem-C: (R-91-1029) ADOPTED AS RESOLUTION R-277098

Approving the acceptance of a grant deed of
McMillin-BCED/Miramar Ranch North, granting to the City
Lot 122 of Scripps Ranch North Unit No. 4 for open
space purposes.

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FILE LOCATION: Subitems-A&B: SUBD - Scripps Ranch North
Unit No. 4; Subitem-C: DEED F-5491
CONT FY91-1; Deed FY91-1

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO
THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.
2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.
3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.
4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:
 - a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);
 - b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;
 - c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND
 - d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?
5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.

6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.

7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-705:

Two actions relative to the final subdivision map of
Scripps Ranch North Unit No. 5, a 115-lot subdivision
located southeasterly of I-15 and Scripps North
Parkway:
(Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1031) ADOPTED AS RESOLUTION R-277099

Authorizing the execution of a Subdivision Improvement
Agreement with McMillin-BCED/Miramar Ranch North for
the installation and completion of public improvements.

Subitem-B: (R-91-1030) ADOPTED AS RESOLUTION R-277100

Approving the final map.

FILE LOCATION: Subitems-A&B: SUBD - Scripps Ranch North
Unit No. 5 CONT FY91-1

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO
THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE
EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH
NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON
THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP
LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS
OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC
ASSOCIATION.

2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT
TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY
PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE
PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE

VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT
THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.

3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH
AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT
AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR
INPUT BEFORE THE APRIL HEARINGS.

4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND
EVALUATE THE FOLLOWING ISSUES:

a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE
EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS
OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER
AGREEMENT);

b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE
EXISTING FACILITIES FINANCING PLAN;

c. DOES PHASE III COMPLY WITH THE OPEN SPACE
COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER
AGREEMENT; AND

d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS
DESCRIBED IN THE SEPTEMBER AGREEMENTS?

5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D
(LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED
LINE.

6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE
HEARD WITH PHASE III.

7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING
CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-706:

Three actions relative to the final subdivision map of
Scripps Ranch North Unit No. 6, a 127-lot subdivision
located southeasterly of Scripps North Parkway and
Spring Canyon Road:
(Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1033) ADOPTED AS RESOLUTION R-277101

Authorizing the execution of a Subdivision Improvement Agreement with McMillin-BCED/Miramar Ranch North for the installation and completion of public improvements.

Subitem-B: (R-91-1032) ADOPTED AS RESOLUTION R-277102

Approving the final map.

Subitem-C: (R-91-1034) ADOPTED AS RESOLUTION R-277103

Approving the acceptance of a grant deed of Lots 123 and 125 of Scripps Ranch North Unit No. 6 for open space purposes.

FILE LOCATION: Subitems-A&B: SUBD - Scripps Ranch North
Unit No. 6; Subitem-C: DEED F-5492
CONT FY91-1; DEED FY91-1

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.
2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.
3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.
4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:

- a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);
 - b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;
 - c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND
 - d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?
5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.
 6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.
 7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-707: (R-91-1112) ADOPTED AS RESOLUTION R-277104

Ratifying the escrow agreement between the City of San Diego and McMillin-BCED/Miramar Ranch North, which escrow agreement shall provide for an escrow for all documents relating to the approval of the Miramar Ranch North project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP

LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.

2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.

3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.

4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:

a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);

b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;

c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND

d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?

5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.

6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.

7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-708:

Proposal to develop 481 detached single-family residences and 296 attached multiple family dwellings - Planned Residential Development Permit PRD-89-0550 - and Vesting Tentative Map VTM-89-0550 which includes a future 6.1-acre school site, two 1.7-acre pocket park sites, a 1.3-acre fire station site, a 6.0-acre church/institutional site and a 20.0-acre community park site. The subject property totals 321.30 acres and is located east of I-15, north of Miramar Lake and south of Poway Road in Zones A-1-10, R1-6000, R1-5000, R-3000, R1-1500 and Hillside Review Overlay Zone (HR) within the boundaries of the Miramar Ranch North Community Plan. The legal description of the site is Parcel 12 and a portion of the Northwest Quarter of Section 27, Township 14 South, Range 2 West, San Bernardino Base Meridian.

(Case-89-0550. District-6.)

Subitem-A: (R-91-1179) ADOPTED AS RESOLUTION R-277105

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-89-0550 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-91-1180) ADOPTED AS RESOLUTION R-277106

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-91-1181) ADOPTED AS RESOLUTION R-277107

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems-A&C: PERM - PRD 89-0550; Subitem-B:
SUBD Scripps Ranch North Phase II

COUNCIL ACTION: (Tape location: A198-E324.)

Hearing began at 7:40 p.m. and halted at 10:30 p.m.

Testimony in favor by David T. McGowan, Bruce McIntyre, David Prewett, Tom Behr, Sue Braun, Rev. Phis Hester, Marc Sorensen, Kevin McNamara, Bob Dingeman, Karen McEllriott, Cash Domitrz, Rev. James Paulsen, Tom Blake, James R. Dawe.

Testimony in opposition by Linda Michael, Karen Mayberry, Edward St. Clair.

MOTION BY BERNHARDT TO ADOPT WITH THE FOLLOWING DIRECTION TO THE PLANNING DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC ASSOCIATION.
2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE FULL COMMUNITY REVIEW AND COMMENT.
3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR INPUT BEFORE THE APRIL HEARINGS.
4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND EVALUATE THE FOLLOWING ISSUES:
 - a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT) ;
 - b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;
 - c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND
 - d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?

5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.

6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.

7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ADDITIONAL BUSINESS: (R-91-1158) ADOPTED AS RESOLUTION
R-277189

Adoption of Resolution directing the Planning Director to take actions in connection with the planning of the proposed development of Phase III of the Miramar Ranch North Project.

ITEM-709:

Six actions relative to the Miramar Ranch North Community Facilities District No. 1:
(See City Manager Report CMR-91-01. Miramar Ranch North Community Area. District-6.)

Subitem-A: (R-91-1035) ADOPTED AS RESOLUTION R-277108

Adoption of a Resolution authorizing the execution of an acquisition/funding agreement with McMillin/BCED, for the Miramar Ranch North Community Facilities District No. 1.

Subitem-B: (R-91-1036) ADOPTED AS RESOLUTION R-277109

Adoption of a Resolution authorizing preliminary issuance of bonds for the Community Facilities District.

Subitem-C: (R-91-1037) ADOPTED AS RESOLUTION R-277110

Adoption of a Resolution declaring the necessity to incur a bonded indebtedness and submitting a proposition to the qualified voters of the Community Facilities District.

Subitem-D: (R-91-1038) ADOPTED AS RESOLUTION R-277111

Adoption of a Resolution declaring and establishing the formation of the Community Facilities District and authorizing submittal of levy of special taxes to the qualified electors.

Subitem-E: (R-91-1039) ADOPTED AS RESOLUTION R-277112

Adoption of a Resolution declaring the results of a "Mello-Roos Community Facilities Act of 1982" Special Tax and Bond Authorization Election.

Subitem-F: (O-91-104) INTRODUCED, TO BE ADOPTED JANUARY 22, 1991

Introduction of an Ordinance authorizing the levy of a special tax in the Miramar Ranch North Community Facilities District.

FILE LOCATION: STRT-CF-1 CONT FY91-1

COUNCIL ACTION: (Tape location: E333-F064.)

Hearing began at 10:30 p.m. and halted at 10:43 p.m.

MOTION BY FILNER TO ADOPT SUBITEMS-A, B, and C. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY ROBERTS TO ADOPT SUBITEM-D. Second by Pratt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HENDERSON TO INTRODUCE SUBITEM-E. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

MOTION BY BERNHARDT TO ADOPT SUBITEM-F. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-710:

Proposal to approve the McMillin-BCED/Miramar Ranch North, Partnership Development Agreement between the City of San Diego and McMillin-BCED/Miramar Ranch North, a California Partnership. The proposed development agreement would apply to approximately 1200 acres in the Miramar Ranch North community. The development agreement is being proposed to meet a condition placed on an approved tentative subdivision map for the property. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in-lieu-of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Miramar Ranch North Community Plan, the Miramar Ranch North Public Facilities Financing Plan, zones to implement the community plan and tentative maps and discretionary permits referenced in the draft document for the 20-year term of the agreement. Additional provisions are included in the draft development agreement.

The property subject to the proposed development agreement is located generally east of I-15, southerly of Poway Road and north of Miramar Lake. A brief legal description is as follows: Portions of Sections 20, 21, 27, 28, 29, 32, and 33, Township 14 South, Range 2 West, SBBM. The specific legal description is on file in the City Planning Department.

(Case-90-1019. District-6.)

Subitem-A: (R-91-1110 Rev.1) ADOPTED AS RESOLUTION R-277113

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0100 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

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Subitem-B: (O-91-108) INTRODUCED, TO BE ADOPTED JANUARY
22, 1991

Introduction of an Ordinance approving the development
agreement.

FILE LOCATION: DEVL - McMillin-BCED/Miramar Ranch North,
Partnership Development Agreement

COUNCIL ACTION: (Tape location: A198-E324.)

Hearing began at 7:40 p.m. and halted at 10:30 p.m.

Testimony in favor by David T. McGowan, Bruce McIntyre,
David Prewett, Tom Behr, Sue Braun, Rev. Phis Hester, Marc
Sorensen, Kevin McNamara, Bob Dingeman, Karen McElliott,
Cash Domitrz, Rev. James Paulsen, Tom Blake, James R. Dawe.

Testimony in opposition by Linda Michael, Karen Mayberry,
Edward St. Clair.

MOTION BY BERNHARDT TO ADOPT SUBITEM-A AND INTRODUCE
SUBITEM-B WITH THE FOLLOWING DIRECTION TO THE PLANNING
DIRECTOR:

1. IN CONNECTION WITH THE REVIEW OF PHASE III, EVALUATE
EACH OF THE PLANNING ISSUES RAISED IN THE MIRAMAR RANCH
NORTH COMMUNITY PLANNING COMMITTEE JANUARY 3, 1991 MOTION ON
THE DEVELOPMENT AGREEMENT, THE SCRIPPS RANCH PLANNING GROUP
LETTER DATED JANUARY 8, AS WELL AS THE LETTERS AND CONCERNS
OF THE SAVE MIRAMAR LAKE AND SCRIPPS RANCH CIVIC
ASSOCIATION.
2. CONSISTENT WITH NORMAL PUBLIC REVIEW PROCESS, PRESENT TO
THE MIRAMAR RANCH NORTH AND SCRIPPS RANCH COMMUNITY PLANNING
GROUPS, AND THE SAVE MIRAMAR LAKE COMMITTEE, THE PLANNED
RESIDENTIAL DEVELOPMENT PERMIT APPLICATION AND THE VESTING
TENTATIVE MAP APPLICATION FOR PHASE III SO THAT THERE CAN BE
FULL COMMUNITY REVIEW AND COMMENT.
3. PRESENT THE APPLICATIONS TO BOTH THE MIRAMAR RANCH NORTH
AND THE SCRIPPS RANCH PLANNING GROUPS AT THEIR NEXT
AVAILABLE MEETINGS SO THAT THEY WILL HAVE ADEQUATE TIME FOR
INPUT BEFORE THE APRIL HEARINGS.
4. SPECIFICALLY SEEK INPUT FROM THE COMMUNITY GROUPS AND
EVALUATE THE FOLLOWING ISSUES:

- a. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING COMMUNITY PLAN (SUBJECT TO THE MODIFICATIONS OF THE COMMUNITY PLAN OUTLINED IN THE SEPTEMBER AGREEMENT);
 - b. DOES PHASE III COMPLY WITH THE REQUIREMENTS OF THE EXISTING FACILITIES FINANCING PLAN;
 - c. DOES PHASE III COMPLY WITH THE OPEN SPACE COMMITMENTS MADE BY McMILLIN-BCED IN THE SEPTEMBER AGREEMENT; AND
 - d. DOES PHASE III COMPLY WITH THE DEVELOPMENT AREAS DESCRIBED IN THE SEPTEMBER AGREEMENTS?
5. REVIEW THE PROPOSED DEVELOPMENT OF THE PAD AREA ON LOT D (LAGO DORADO) TO PRECLUDE DEVELOPMENT BELOW THE VIEWSHED LINE.
6. THE RPO EXCLUSION HEARING IS CONTINUED UNTIL APRIL TO BE HEARD WITH PHASE III.
7. PHASE II INCLUDES A STATEMENT OF OVER-RIDING CONSIDERATIONS.

Second by Henderson. Passed by the following vote:
Wolfsheimer-not present, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-nay.

ITEM-711: (O-91-114) CONTINUED TO APRIL 16, 1991

(Trailed from the adjourned meeting of Tuesday, January 8, 1991, Item 331; Continued from the meetings of July 10, 1990, Item 336, July 31, 1990, Item 344, August 7, 1990, Item S501, September 18, 1990, Item 343, October 16, 1990, Item 339, October 29, 1990, Item 216.)

A proposal to amend the Resource Protection Ordinance, Article 1, Division 4, Section 101.0462 of the San Diego Municipal Code to delete Miramar Ranch North from Paragraph E., Exclusions.
(District-6.)

Introduction of an Ordinance deleting the exclusions for the Miramar Ranch North Community Plan area from the Resource Protection Ordinance, Section 101.0462, Paragraphs E4, 5 and 6 of the Municipal Code.

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FILE LOCATION: --

COUNCIL ACTION: (Tape location: A198-E324.)

MOTION BY BERNHARDT TO CONTINUE TO BE HEARD WITH PHASE III WHICH IS SCHEDULED FOR APRIL 16, 1991. Second by Henderson. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-712:

(Continued from the meetings of September 18, 1990, Item 348, October 15, 1990, Item 206, October 29, 1990, Item 214, and November 27, 1990, Item 209; last continued at Councilmember Bernhardt's request, for a meeting in the area.)

Proposal to approve the Wuest Estate Development Agreement between the City of San Diego and Wuest Estate Company.

The proposed development agreement would apply to approximately 250 acres in the Miramar Ranch North community. The primary purpose of the development agreement is to provide for the funding of public facilities through the owner's participation in the community's public facilities financing plan. The owner would agree to pay its fair share of fees or contribute facilities in lieu of payment as required by the public facilities financing plan for the community. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The development agreement would assure the owner that the property could be developed in conformance with the Miramar Ranch North Community Plan for the 20-year term of the agreement. Additional provisions are included in the draft development agreement. The property subject to the proposed development agreement is located on the east side of I-15 between Poway Road and Miramar Lake. A brief legal description is as follows: northeast quarter of the northeast quarter and a portion of the northeast quarter of the northwest half of Section 29; and a portion of the south half of the south half, Section 20, Township 14 South, Range 2 West, SBM. The specific legal description is on file in the City Planning Department.

(Case-88-0908. District-6.)

Subitem-A: (R-91-430) ADOPTED AS RESOLUTION R-277114

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-85-0100 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-91-49) INTRODUCED, TO BE ADOPTED JANUARY 22, 1991

Introduction of an Ordinance approving the development agreement.

NOTE: The proposed development agreement was previously considered by City Council on 11/14/88 - Item 212; 11/28/88 - Item 209; 12/12/88 - Item 211; and 2/21/89 - Item 330.

CITY MANAGER SUPPORTING INFORMATION: The proposed development agreement was docketed for Council action as Item 330 on February 21, 1989. At that time the agreement was returned to the City Manager and Planning Director. The agreement before Council at this time is basically unchanged from the 1989 version with the exception of minor technical changes to reflect events that have occurred since February, 1989 and for an increase in the developer's contribution for City of San Diego General Park purposes from \$315,000 to \$1,065,000. This development agreement is similar to three others in the Miramar Ranch North community planning area that were originally presented to Council with this one, as a group of four small development agreements. The other three were approved by Council on December 12, 1988 and are in full force and effect at this time. The Manager and Planning Director recommend approval of the proposed development agreement. The City Attorney has approved the agreement with respect to form only.

FILE LOCATION: DEVL - Wuest Estate Development Agreement

COUNCIL ACTION: (Tape location: F010-014).

Hearing began at 10:44 p.m. and halted at 10:45 p.m.

MOTION BY HENDERSON TO ADOPT SUBITEM-A AND INTRODUCE SUBITEM-B. Second by McCarty. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea,

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Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-713: NOTED AND FILED

Status reports as directed by the City Council at the
meeting of November 27, 1990:

- The Mercy Road Interchange
- The 8A Project
- The MTDB-City plans for transit in the I-15 corridor
and public transit program
- The Pomerado Road matter

(See City Manager Reports CMR-91-03, CMR-91-02,
CMR-91-06.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A034-100; F015-018.)

MOTION BY HENDERSON TO NOTE AND FILE. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-not present,
Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 10:55
p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F019).